

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3324 of 1992

with

SPECIAL CIVIL APPLICATION No 7350 of 1992

with

CIVIL APPLICATION No 1764 of 1992

in

SPECIAL CIVIL APPLICATION No 3324 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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U P TRIVEDI

Versus

STATE OF GUJRAT

Appearance:

1. Special Civil Application No. 3324 of 1992
MR YN OZA for Petitioner
MS SIDDHIS TALATI for Respondent
2. Special Civil Application No 7350 of 1992
MR PV HATHI for Petitioner
MR HL JANI for Respondent

3. Civil Application No.1764 of 1992

MR YN OZA for Applicant

MR HL JANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/10/97

ORAL JUDGMENT

The petitioners in both these Special Civil Applications are the officers of the Sales Tax Department of the Government of Gujarat.

2. The petitioners in these petitions have come up before this Court with a grievance that though they were entitled for promotion to the next higher post from the date on which their juniors were given promotion, they have been denied the promotion only on the ground of pendency of departmental enquiry.

3. The learned counsel for petitioners in both these Special Civil Applications does not dispute that during the pendency of these Special Civil Application, in pursuance of the interim relief granted by this Court, the petitioners have been given promotion, as prayed for in these Special Civil Applications. The only grievance now survives is of giving them promotions from deemed date. However, in both these matters, the learned counsel for the petitioners admit that departmental inquiry are still pending.

4. In Special Civil Application No.3324 of 1992, one more prayer has been made for quashing of the enquiry itself, but I do not find any ground to quash the enquiry. The petitioner in this Special Civil Application has also filed Civil Application No.1764 of 1992 and prayer has been made therein for direction to the respondents not to proceed with inquiry and further to consider his case for all future promotions as well as to allow him to cross Efficiency Bar.

5. Substantial grievance made by petitioners now no more survive, but at the same time, enquiry cannot be kept pending for all the years. The enquiry has to be completed within a reasonable period and it is really shocking that these petitions, though filed in the year 1992, enquiry has not been completed in both cases, as per case of petitioners' counsel, and uncontroverted by counsel for respondents.

6. In view of this fact, these two Special Civil Applications are disposed of with direction that the enquiry, if it is pending against the petitioners in both petitions, shall be completed within a period of four months from the date of receipt of certified copy of this order. On completion of enquiry, it will be open to the petitioners to make representation regarding deemed date of promotions or any other grievance, and in case such representations are made, the same shall be decided by concerned respondents as per law and expeditiously.

7. Both these Special Civil Applications and Rule stand disposed of accordingly with no order as to costs. In view of the aforesaid direction, no order on Civil Application. The Civil Application is dismissed.

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(sunil)